

DAVID LOPEZ

February 6, 2018

Hon. J. Paul Oetken
Judge of the United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

ATTORNEY AT LAW

171 EDGE OF WOODS ROAD
SOUTHAMPTON, NEW YORK 11968

MAILING ADDRESS:
P.O. BOX 323
SOUTHAMPTON, NEW YORK 11969-0323

TELEPHONE (631) 287-5520
FACSIMILE (631) 283-4735
E-MAIL DAVIDLOPEZESQ@AOL.COM

Re: Rubenstein v. Bruce R. Berkowitz, et al. // 17 cv 821 (JPO)
Letter Motion For Adjournment Of Initial Pre-Trial Conference

Your Honor:

I am one of plaintiff's counsel and with the knowledge and consent of defense counsel, acting pursuant to Your Honor's Individual Rule of Practice # 3C, I move for an adjournment of the Initial Pre-Trial Conference in this matter for a minimum of 30 days.

- i. The original date of the conference is February 9, 2018, at 12:30 P.M.
The requested re-scheduled date is March 9, 2018, or a date thereafter of the court's choosing.
- ii. This is the first and only request for a re-scheduling.
- iii. There have been no prior requests.
- iv. The defendants consent.
- v. There is no schedule for discovery yet in place.

The reason for this request is that there is a Motion for Judgment on the Pleadings outstanding but not yet briefed in opposition by the plaintiff. Plaintiff expects to file an amended complaint to obviate one or more of the objections raised by the defense, specifically to dismiss claims with prejudice against Bruce R. Berkowitz and Fairholme Capital Management, L.L.C. upon their providing the identities of the John Doe defendants. Until that is done they will continue to be named as nominal defendants without pecuniary interests. We believe the Initial Pre-Trial Conference will be more productive if the complaint before the court conforms to the complaint on which the case will proceed and the true parties in interest have been named.

Very truly yours,


David Lopez

DL/el

Cc: All counsel via ECF